

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICO PERRY,
Plaintiff,

v.

ATTORNEY GENERAL MAURA HEALA,
ATTORNEY GENERAL RACHEL ROLLINS,
CUBE SMART SELF-STORAGE,
BOSTON POLICE DEPARTMENT,
MASSACHUSETTS STATE POLICE,
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES,
BRIAN HIGGINS, KEITH MEDEIROS,
and SAGE CONTROL ORDNANCE, INC.
Defendants.

FILED
IN CLERKS OFFICE
2023 JUN 20 PM 12:57

COMPLAINT AND JURY DEMAND

PARTIES

1. Plaintiff Rico Perry is an individual residing at 26 Long Pond Road, Plymouth, Massachusetts.
2. Defendant Attorney General Maura Healey is an individual employed by the Commonwealth of Massachusetts with an office address of 1 Ashburton Place, 20th Floor, Boston, Massachusetts.
3. Defendant Attorney General Rachel Rollins is an individual employed by the Commonwealth of Massachusetts with an office address of 1 Ashburton Place, 20th Floor, Boston, Massachusetts.
4. Defendant Cube Smart Self-Storage is a business within the Commonwealth of Massachusetts with a facility address of 150 McClellan Highway, Boston, Massachusetts.
5. Defendant Boston Police Department is an entity within the Commonwealth of Massachusetts with an office address of 101 W. Broadway, Boston, Massachusetts.
6. Defendant Massachusetts State Police is an entity within the Commonwealth of Massachusetts with an office address of 250 Leverett Circle, Boston, Massachusetts.

7. Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives is a law enforcement agency in the United States Department of Justice with an address at 1 Courthouse Way, Boston, Massachusetts.
8. Brian Higgins was an employee of Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives on January 28, 2020.
9. Keith Medeirdos was an employee of Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives on January 28, 2020.
10. Defendant Sage Control Ordnance, INC is a tactical trading company that manufactures products to serve law enforcement and has a business address of 3455 Kings Corner Road, Oscada Michigan.

JURISDICTION AND VENUE

11. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331.
12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c) because the Plaintiff's cause of action arose and Plaintiff is being injured in this judicial district and the Defendants are doing business in this judicial district.

FACTS

13. On January 28, 2020, I was at Cube Smart Self-Storage located at 150 McClellan Highway, Boston, Massachusetts. I was unarmed.
14. Defendant Cube Smart Self-Storage ("Cube Smart") allows both state and federal agencies to conduct operations at their facility.
15. On January 28, 2020, there was a joint operation with Defendant Boston Police Department, Defendant Massachusetts State Police, and Defendant Alcohol, Tobacco, Firearms and Explosives at Cube Smart (collectively "Officers"). There were as many as twenty (20) officers at the facility.
16. While at Cube Smart Self-Storage, I was shot in the back of my head by unknown Alcohol, Tobacco, Firearms and Explosives agents of the Special Response Team ("SRT"). This incident was recorded on video and was not released to the public.
17. While on the floor in pain waiting for emergency medical attention, an Officer immediately seized my cell phone and grabbed my thumb to use it to unlock my cell phone. The Officer began to search my cell phone without a warrant.
18. When I arrived at the hospital, I was handcuffed and two (2) agents with the Alcohol, Tobacco, Firearms and Explosives agency continuously interfered with my medical treatment. The agents have been identified as Brian Higgins and Keith Medeiros.

19. Defendant Higgins claimed he was an Emergency Medical Technician (EMT) with Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives when describing my injuries and pain levels to doctors and nurses.
20. Defendant Higgins and Medeiros refused to allow me to use the restroom. They told me that I had to wait and hold my bladder until I got to Court since they had to hold their while waiting all day to lock me up.
21. The only alternative to urinating in my pants was to request to be discharged from the hospital so I could quickly be brought to Court in order to use the bathroom, as well as speak to an attorney and Judge to explain my need for medical treatment without interference.

COUNT I
CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS
42 U.S.C.A. § 1985

22. Plaintiff repeats and realleges the allegations in Paragraphs 1 through 21 of the Complaint.
COUNT III
Failure to PREVENT the § 1985 Violation
42 U.S.C.A. § 1985
23. COUNT III
Failure to Protect Violation OF "Special Duty" Victim OF case
42 U.S.C.A. § 1983
24. COUNT IV
GROSS NEGLIGENCE
42 U.S.C.A. § 1983

COUNT II

Excessive Force

42 U.S.C.A. § 1983

25. COUNT VI
ARMED ASSAULT to Murder
42 U.S.C.A. § 1983

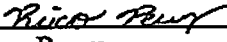
WHEREAS, Plaintiff Rico Perry prays that this Court:

- Enter judgement in favor of Plaintiff on Counts I and II of the complaint;
- Award Plaintiff actual damages pursuant to Punitive in an amount to be determined at trial;
- Award Plaintiff statutory damages pursuant to Compensatory in an amount to be determined at trial;
- Award Plaintiff interest on judgement as provided for by law; and
- Award such further relief as the Court deems just and appropriate.

Jury Demand

The Plaintiff demands a trial by jury on all issues so triable.


Respectfully Submitted,



Rico Perry
26 Long Pond Rd.
Plymouth, MA 02360

Date: 1-26-23

Rico PARRY 1-26-23
Rico Pary

The Commonwealth of Massachusetts
On this 26 day of January, 2023
before me, the undersigned notary public, Rico Pary
personally appeared, proved to me through
satisfactory evidence of identification, which were
Nil to be the person who signed the
preceding or attached document in my presence and who swore or
affirmed to me that the contents of the document are truthful and
accurate to the best of his/her knowledge and belief.
 Robert J. LaLiberte
Robert J. LaLiberte, Notary Public
My Commission Expires April 10, 2026